

**In the United States District Court
Southern District of Iowa
(Western Division)**

Margie J. Phelps, Elizabeth M.
Phelps, and Timothy B. Phelps,
Petitioners

vs.

Red Oak Police Chief Drue Powers
and Montgomery County Sheriff Joe
Sampson,
Respondents

and

State of Iowa, *ex rel.* the Iowa
Attorney General,
Intervenor

Docket No. 1-13-CV-00011

**Request for Attorney's Fees & Expenses
(LR 54.1)**

Petitioner, Margie J. Phelps, respectfully requests the Court to direct the entry of a judgment against the Intervenor and the above named respondents for her reasonable attorneys fees and any non-taxable expenses as permitted by 42 U.S.C., § 1988, *to wit*:

1. The Petitioner is a prevailing party in this action having successfully obtained a judgment declaring the statutes challenged herein to be facially unconstitutional and unenforceable against the Petitioner.

2. As permitted by 42 U.S.C., § 1988, the petitioner should be awarded reasonable fees and expenses with respect to her efforts which were directly opposed and litigated by the State of Iowa and the Respondents.

3. In a recent action of a similar nature the U.S. District Court in Eastern Mo. awarded the Petitioners \$61,890. Snider v. City of Cape Girardeau, 752 F.3d 1149, 1155 (8th Cir. 2014)

4. The Petitioner in this case seeks an award of reasonable fees to be paid to her attorney of thirty seven thousand, seven hundred and fifty dollars (\$37, 750).

5. An itemized hourly accounting of counsel's time and efforts is attached.

6. The undersigned counsel requests a rate of \$300 per **billable** hour, which is well within current market rates for counsel in the central Iowa and is commensurate with his decades of experience and expertise in constitutional rights litigation.

Wherefore, the Petitioner requests the Court to award her reasonable attorney's fees and expenses as contemplated by Title 42 U.S.C. § 1988 and to direct that judgment be entered against the above named Respondents and Intervenor accordingly.

Petitioner's Motion for Attorney's Fees

-----Signature and Service Page

Respectfully:



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ACLU OF IOWA FOUNDATION

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Counsel for Petitioner

CERTIFICATE OF SERVICE & FILING:

I certify that on Thursday, December 18, 2014, I served each of the parties to this action and filed this document in compliance with Fed. R. Civ. Pro. 5 and Local Rule 5 by electronic service or such other method as is checked below:



Randall C. Wilson, Esq. PK 0007857

Service by: ☐ Mail ☐ E-mail ☒ EF/ECM

Parties Served:

Copies for Respondents Drue Powers and Joe Sampson

Kristopher K Madsen, Esq.
Robert M. Livingston, Esq.
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Copies for Intervenor, State of Iowa

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